

AMENDED IN ASSEMBLY APRIL 16, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1028**

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**Introduced by Assembly Member Blumenfield**

February 27, 2009

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An act to add and repeal Section 6398 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1028, as amended, Blumenfield. Sales and use taxes: exemption: energy efficient products.

The Sales and Use Tax Law imposes a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property *properly purchased* from a retailer for storage, use, or other consumption in this state.

Those laws provides various exemptions from those taxes.

This bill would also exempt from those taxes from ~~January 1, 2010, to January 1, 2011~~ *April 1, 2010, to April 30, 2010*, the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, qualified renewable energy systems, as defined.

The Bradley-Burns Uniform Local Sales and Use Tax Law authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law, and the Transactions and Use Tax Law authorizes districts, as specified, to impose transactions and use taxes in conformity with the Sales and Use Tax Law.

Exemptions from state sales and use taxes enacted by the Legislature are incorporated into the those taxes. Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities

for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that, notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as a tax levy.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The Legislature finds and declares all of the*  
2     *following:*

3     *(a) Solar-generated electricity is uniquely suited to California's*  
4     *needs because it produces electricity when the state most needs*  
5     *it, during the peak demand hours in summer afternoons when the*  
6     *sun is the brightest and air conditioners are running at capacity.*

7     *(b) Procuring solar electric generation capacity to meet peak*  
8     *electricity demand increases system reliability and decreases the*  
9     *state's dependence on unstable fossil fuel supplies.*

10    *(c) Solar energy systems provide substantial energy reliability*  
11    *and pollution reduction benefits, diversify the state's energy supply,*  
12    *and thereby reduce the state's dependence on imported fossil fuels.*

13    *(d) Since 1970, April 22 as Earth Day has been celebrated as*  
14    *a day of action to change human behavior and provoke policy*  
15    *changes to promote personal, corporate, and governmental*  
16    *responsibility for preserving the Earth.*

17    *(e) Encouraging people to install solar or other renewable*  
18    *energy systems would contribute to the state's achieving climate*  
19    *change goals required by the California Global Warming Solutions*  
20    *Act of 2006 (Division 25.5 (commencing with Section 38500) of*  
21    *the Health and Safety Code.*

22    ~~SECTION 1.~~

23    *SEC. 2. Section 6398 is added to the Revenue and Taxation*  
24    *Code, to read:*

25    6398. (a) ~~On and after January 1, 2010~~ *To commemorate the*  
26    *40th anniversary of Earth Day, on and after April 1, 2010, to*  
27    *before May 1, 2010, there are exempted from the taxes imposed*  
28    *by this part, the gross receipts from the sale in this state of, and*

1 the storage, use, or other consumption in this state of, qualified  
2 renewable energy systems.

3 (b) For purposes of this section, “qualified renewable energy  
4 systems” means those systems deemed by the California Public  
5 Utilities Commission to be eligible solar electric equipment under  
6 the California Solar Initiative.

7 (c) This section shall remain in effect only until ~~January 1, 2011~~  
8 *July 1, 2010*, and as of that date is repealed, ~~unless a later enacted~~  
9 ~~statute, that~~. is enacted before January 1, 2011, deletes or extends  
10 that date.

11 ~~SEC. 2. It is the intent of the Legislature that, to the extent~~  
12 ~~permissible under the law, the sum of ten million dollars~~  
13 ~~(\$10,000,000) shall be provided for purposes of this act from the~~  
14 ~~proceeds from the Attorney General’s settlement agreement with~~  
15 ~~the Williams Energy Corporation entered into as of November 11,~~  
16 ~~2002, received for energy efficient retrofitting projects.~~

17 ~~SEC. 3. Notwithstanding Section 2230 of the Revenue and~~  
18 ~~Taxation Code, no appropriation is made by this act and the state~~  
19 ~~shall not reimburse any local agency for any sales and use tax~~  
20 ~~revenues lost by it under this act.~~

21 ~~SEC. 4. This act provides for a tax levy within the meaning of~~  
22 ~~Article IV of the Constitution and shall go into immediate effect.~~